

REMARKS

This Amendment is being filed in response to the outstanding Office Action of December 21, 2004. For the following reasons, this Application should be considered in condition for allowance and the case passed to issue.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of the Patent Abstracts of Japan and Aruga et al. (hereafter "Aruga"). This rejection is hereby traversed and reconsideration and withdrawal thereof are respectfully requested. The following is a comparison of the present invention as currently claimed with the combination of references.

As recited, for instance, in claim 1, the present invention relates to a wiper control apparatus comprising a wiper drive device that drives wiper blades used to wipe a glass surface at one of a low speed and a high speed. A vehicle speed detection device detects a vehicle speed. A judging device is provided that judges as to whether or not the vehicle speed detected by the vehicle speed detection device is equal to or higher than a predetermined speed. A control device is provided that is responsive to the manual turning on of a washer switch to spray a washer fluid, and a determination by the judging device that the vehicle speed is equal to or higher than the predetermined speed, to cause the wiper drive device engage the wiper blades in a high-speed operation. None of the references, either alone or in combination, show or suggest this combination of features.

By this invention, the wiper drive device engages the wiper blades in a high speed operation when the washer switch is manually turned on to spray the washer fluid and the vehicle speed is equal to or higher than the predetermined speed. As a result, the washer fluid sprayed onto the windshield is quickly wiped away when the vehicle is traveling at a high speed.

Sato, U.S. Patent No. 5,333,351, discloses a wiper drive that engages the wiper blades in a high speed operation when the vehicle speed is high and low speed when the vehicle speed is low. As conceded by the Examiner, Sato lacks any disclosure regarding the washer switch being turned on to spray washing fluid, and when the vehicle speed is high, wipers are in high speed operation. It was also conceded that Sato does not provide a judging device to judge whether the vehicle speed is equal or higher than a predetermined speed. Sato thus provides no contemplation of the need for a high speed wiping operation in a spray washing situation. In other words, Sato provides no disclosure or suggestion of the relationship between spray washing and a high speed vehicle operation.

Patent Abstracts of Japan, Publication No. 05319213, relates to a washer-interlocked wiper control device for a vehicle. The Examiner stated that this reference discloses a washer switch turned to spray washer fluid when the vehicle speed is high and the wiper is in high speed operation. It is respectfully submitted that this is an inaccurate understanding of the Patent Abstract of Japan. Rather, the Patent Abstract of Japan only discloses a washer-interlocked wiper control device that drives the wiper by interlocking with a washer switch operation performed by the driver and adjusts the length of time to elapse after the washer switch is turned on until the wiper drive starts corresponding to the vehicle speed. In other words, the wiper control device in the Patent Abstract of Japan only changes the delay time before the wiper starts to drive, and does not play any role in changing the wiping speed. Hence, even if combined with Sato, the combination would not show or suggest the invention, and in fact, would teach away from the invention. This is because the invention uses a high speed wiping operation to be sure that the washer fluid sprayed onto the windshield is quickly wiped away when the vehicle is traveling at a high speed. However, the Patent Abstract of Japan merely reduces the delay of the

Application No.: 10/765,104

beginning of the wiping operation depending on the vehicle speed. Thus, whether the vehicle is traveling at high speed or low speed, the Patent Abstract of Japan reference does not vary the speed wiping operation as being dependent upon the vehicle speed. It only changes the delay time before the wiper operation is started.

Aruga, U.S. Patent No. 6,085,137, relates to a vehicle control device with a vehicle speed sensor, but does not provide any of the deficiencies noted with respect to the Sato and Patent Abstracts of Japan references discussed above. Accordingly, even in combination with Sato and the Patent Abstract of Japan, the combination does not make obvious the present invention as now claimed within the intent of 35 U.S.C. § 103.

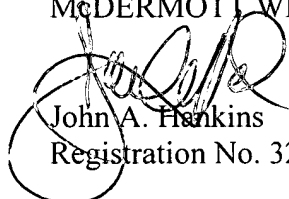
In light of the amendments and remarks above, this Application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this response or the Application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the Application.

Application No.: 10/765,104

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



John A. Hankins
Registration No. 32,029

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 JAH:bjs:idw
Facsimile: 202.756.8087
Date: March 21, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**